

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**FIDELITY & DEPOSIT COMPANY
OF MARYLAND,**

Plaintiff,

v.

WESTERN EXPRESS, INC.,

Defendant.

Case No. 3:04-1121

**Consolidated with
Case No. 3:05-0039**

JUDGE TRAUGER

WESTERN EXPRESS, INC.,

Plaintiff,

v.

**LEXINGTON INSURANCE COMPANY
and FIDELITY & DEPOSIT COMPANY
OF MARYLAND,**

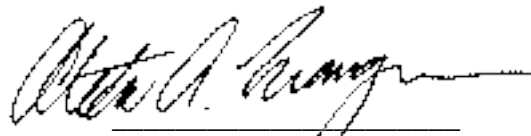
Defendants.

ORDER

For the reasons stated in the accompanying Memorandum, the Motion for Summary Judgment of Fidelity & Deposit Company of Maryland (Docket No. 40) and the Motion for Summary Judgment of Lexington Insurance Company (Docket No. 58) are **DENIED**. The Motion for Summary Judgment of Western Express (Docket Nos. 44, 51) is **DENIED** as **MOOT**.

It is so ordered.

Enter this 2nd day of December 2005.



ALETA A. TRAUGER
United States District Judge